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10/051,557	01/16/2002	Daniel Roy Schlee	SCHLEE0201	9638
24507 7590 02/26/2007 MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			EXAMINER NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1751	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/051,557

Applicant(s)

SCHLEE, DANIEL ROY

Examiner

Tri V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment file on December 05, 2006, claims 1, 9, 11, 12 and 18 have been amended. The currently pending claims considered below are Claims 1-19.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-8, 10 and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Postrel (US 2004/0220854).

Claim 1: Postrel discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 1, parag. 11, 15, 18 and 22);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (page 1, parag. 11, 15, 18 and 22); and

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 1, parag. 11, 15, 18 and 22);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34); and

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(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 1, parag. 11, 15, 18 and 22); and

(e) delivering means for providing to each of the targeted consumers the promotional materials printed at the host wherein the delivering means transmits data comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use. (page 4, parag. 40-41 and page 7, parag. 70).

Claim 2: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (page 5, parag. 56).

Claim 3: Postrel discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (page 3, parag. 35); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (page 3, parag. 35).

Claim 4: Postrel discloses a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Claim 5: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters and thereby one or more identification numbers of the selected promotional material are transmitted to the host computer (page 3, parag. 32-33).

Claim 6: Postrel discloses a promotional data delivery system as claimed in claim 5, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials requested by the consumer (page 1, parag. 13-14 and page 4, parag. 43-44).

Claim 7: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or

other type of notification as an acknowledgement of activity (page 4, parag, 43-44).

Claim 8: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 57).

Claim 10: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of the transmission, by the host to each targeted consumer, of an electronic coupon available for verification by participating retailers and printable electronic coupons for targeted consumers to print locally and transport to participating retailers (page 2, parag. 21-22; 4, parag. 40-43 and page 7, parag. 70).

Claim 12: Postrel discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(1) defining, by the one or more promoters, one or more promotional materials (page 1, parag. 11, 15, 18 and 22); and

(2) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 1, parag. 11, 15, 18 and 22) ;

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

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(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34 and page 6, parag. 57); and

(3) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34 and page 6, parag. 57);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(f) printing, by one or more printers attached to the host computer, promotional materials comprises at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers, comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code (page 2, parag. 21; page 4, parag. 40-43 and page 7, parag. 70); and

(g) delivering to each subscribing consumer the printed promotional materials selected by each respective subscribing consumer and the promotional materials established for each as a targeted consumer (page 2, parag. 21; page 4, parag. 40-43 and page 7,

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parag. 70).

Claim 13: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) selecting, by the one or more subscribing consumers, to one or more promotional materials defined by the promoters (page 3, parag. 32-33);

(b) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 3, parag. 32-33); and

(c) storing, by the host computer in a database, the selections by the one or more subscribing consumers (page 3, parag. 32-33).

Claim 14: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) registering, by the one or more subscribing consumers (page 5, parag. 56);
and

(b) transmitting, by the one or more subscribing consumers to the host computer, consent to receive promotional materials as targeted consumers (page 3, parag. 35).

Claim 15: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 57).

Claim 16: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host and the one or more promoters further comprises the steps of automatically generating and forwarding an email or other

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type of notification to an entity designated by each of the promoters acknowledging the interfacing (page 4, parag. 43-44).

Claim 17: Postrel discloses a method of promotional data delivery as claimed in claim 12, the method further comprising the step of tracking, by the host computer, the coupon deliveries as they are made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Claim 18: Postrel discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(i) defining, by the one or more promoters, one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(ii) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9));

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (page 1, parag. 11, 15, 18 and 22);

(3) selecting, by the one or more subscribing consumers, the one or more promotional materials defined by the promoters (page 3, parag. 32-33);

(4) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 3, parag. 32-33); and

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 3, parag. 32-33);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(f) transmitting by the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers in an electronic document, comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use (page 1, parag. 11, 15, 18 and 22 and page 7, parag. 70);

(g) printing, by the subscribing consumer a hardcopy of the electronic document, wherein said document comprises at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use (page 2, parag. 21-22; 4, parag. 40-43 and page 7, parag. 70); and

(h) delivering to a sponsoring retailer the hardcopy for scanned redemption (page 2, parag. 21-22; 4, parag. 40-43 and page 7, parag. 70).

Claim 19: Postrel discloses a method of promotional data delivery as claimed in claim 18, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (page 2, parag. 21-22; 4, parag. 40-43 and page 7, parag. 70).

4. Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Golden et al. (US 2002/0178051).

Claim 18: Golden et al. disclose a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(i) defining, by the one or more promoters, one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(ii) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9));

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (col 4, lines 25-41 and col 11, lines 8-10);

(3) selecting, by the one or more subscribing consumers, one or more the promotional materials defined by the promoters (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78);

(4) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78); and

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 75-78);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 3, parag. 31; page 4, parag. 41-50 and figs 1, 3, 8, 9);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66);

(f) transmitting by the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters

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and selected by the one or more subscribing consumers in an electronic document, comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66-70);

(g) printing, by the subscribing consumer a hardcopy of the electronic document, wherein said document comprises at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use (page 5, parag. 70-73); and

(h) delivering to a sponsoring retailer the hardcopy for scanned redemption (page 5, parag. 70-73).

Claim 19: Golden et al. disclose a method of promotional data delivery as claimed in claim 18, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (page 5, parag. 70-73).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al. (5,857,175) in view of Postrel (US 2004/0220854).

Claim 1: Day et al. disclose a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

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(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (col 3, lines 23-31 and col 7, lines 13-27);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (col 5, lines 21-55);
and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (col 4, lines 25-41 and col 11, lines 8-10);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (col 3, lines 57 to col 4, lines 24);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (col 7, lines 13-27); and

(e) delivering means for providing to each of the targeted consumers the promotional materials printed at the host wherein the delivering means transmits data comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use.

Day et al. disclose the claimed invention except for step (e). Day et al. disclose the printing, bar code and profiling features (col 4, lines 25-67; col 5, lines 21-55 and col 7, lines). In an analogous art, Postrel teaches the feature of printing coupons with a trackable bar code or indicia and distributing via postal services (page 2, parag. 21; page 4, parag. 40-43 and page 7, parag. 70). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to modify the system as taught by Day et al., with the print and delivery option of coupons with a personal identification to gain an understanding of the effectiveness of the targeted advertising via tracking unique and personal coupons that are delivered to the users. The printing and delivery features ensure that the entire targeted audience is reached, for example, users who do not have access to a printer.

Claim 2: Day et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (Day et al.: col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19).

Claim 3: Day et al. and Postrel discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (Day et al.: col 4, lines 25-41 and col 5, lines 21-55); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (Day et al.: col 4, lines 25-41 and col 5, lines 21-55).

Claim 4: Day et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (Day et al.: col 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Claim 7: Day et al. and Postrel disclose a promotional data delivery system as claimed in

claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (Day et al.: col 7, line 59 to col 8, line 23).

Claim 8: Day et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (Day et al.: col 5, lines 21-55).

Claim 9: Day et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, but do not explicitly disclose wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of one or more printers electronically and securely connected to the host and postal packages carrying promotional materials printed by the host computers addressed to the targeted consumers comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use. In an analogous art, Postrel teaches the feature of printing coupons with a personal identification number and distributing via postal services (Postrel: page 2, parag. 21; page 4, parag. 40-43 and page 5, parag. 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Day et al., with the print and delivery option of coupons with a personal identification to gain an understanding of the effectiveness of the targeted advertising via tracking unique and personal coupons that are delivered to

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the users. The printing and delivery steps are well-known features to ensure that the entire targeted audience is reached, for example, users who do not have access to a printer. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Day et al. and Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden et al. (US 2002/0178051) in view of Postrel (US 2004/0220854).

Claim 1: Golden et al. disclose a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 3, parag. 31; page 4, parag. 41-50 and figs 1, 3, 8, 9);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66); and

(e) delivering means for providing to each of the targeted consumers the promotional materials printed at the host wherein the delivering means transmits data comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use.

Golden et al. disclose the claimed invention except for step (e). Golden et al. disclose the printing, bar code and profiling features (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66-70). In an analogous art, Postrel teaches the feature of printing coupons with a trackable bar code or indicia and distributing via postal services (page 2, parag. 21; page 4, parag. 40-43 and page 7, parag. 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Day et al., with the print and delivery option of coupons to gain an understanding of the effectiveness of the targeted advertising via tracking unique and personal coupons that are delivered to the users. The printing and delivery features ensure that the entire targeted audience is reached, for example, users who do not have

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access to a printer.

Claim 2: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (page 4, parag. 5-59).

Claim 3: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (page 3, parag. 38 and page 5, parag. 65); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (page 3, parag. 38 and page 5, parag. 65).

Claim 4: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (page 5, parag. 66).

Claim 5: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters and thereby one or more identification

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numbers of the selected promotional material are transmitted to the host computer (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78).

Claim 6: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 5, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials requested by the consumer (page 5, parag. 66 and 70-71).

Claim 7: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (page 7, parag. 85).

Claim 8: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 75).

Claim 9: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, but do not explicitly disclose wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of one or more printers electronically and securely connected to the host and postal packages carrying

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promotional materials printed by the host computers addressed to the targeted consumers comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use. In an analogous art, Postrel teaches the feature of printing coupons with a personal identification number and distributing via postal services (Postrel: page 2, parag. 21; page 4, parag. 40-43 and page 5, parag. 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Day et al., with the print and delivery option of coupons with a personal identification to gain an understanding of the effectiveness of the targeted advertising via tracking unique and personal coupons that are delivered to the users. The printing and delivery steps are well-known features to ensure that the entire targeted audience is reached, for example, users who do not have access to a printer. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Golden et al. and Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

Claim 10: Golden et al. and Postrel disclose a promotional data delivery system as claimed in claim 1, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of the transmission, by the host to each targeted consumer, of an electronic coupon available for verification by participating retailers and printable electronic coupons for targeted consumers to print locally and transport to participating retailers (page 5, parag. 71-73).

7. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel.

Claim 9: Postrel discloses a promotional data delivery system as claimed in claim 1, but does not explicitly disclose wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of one or more printers electronically and securely connected to the host and postal packages carrying promotional materials printed by the host computers addressed to the targeted consumers comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code. Postrel discloses the feature of printing the trackable promotional materials and delivering via postal services (page 2, parag. 21; page 4, parag. 40-43 and page 7, parag. 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

Claim 11: Postrel discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 1, parag. 11, 15, 18 and 22);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to one or more of the promotional materials (page 1, parag. 11, 15, 18 and 22);

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 1, parag. 11, 15, 18 and 22);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) registering means for enrolling each of the one or more consumers as subscribing consumers (page 5, parag. 56);

(2) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer; said queries comprised of consumer data determining queries and consumer identity determining queries (page 6, parag. 57);

(3) selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters (page 3, parag. 32-33); and

(4) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 1, parag. 11, 15, 18 and 22);

(e) one or more printers electronically and securely connected to the host for the printing of promotional materials, comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for delivery to the targeted consumers by a service selected from a group consisting of US Postal Service and parcel delivery services; and

(f) tracking means for correlating successive coupon deliveries as made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Postrel does not explicitly disclose step (e). Postrel discloses the feature of printing the trackable promotional materials and delivering via postal services (page 2, parag. 21; page 4, parag. 40-43 and page 7, parag. 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as

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taught by Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

Response to Arguments

8. Applicant's arguments filed December 05, 2006 have been fully considered but they are not persuasive. The applicants argue that the prior art does not teach the new claim limitation of the promotional material comprising "at least one of a consumer-identifying serial number and a consumer-identifying bar code" (page 10 et seq.). The examiner respectfully disagrees as the Golden et al. and Postrel references teach the features of personal and trackable indicia and/or bar code (Golden et al.: page 7, parag. 70 and Postrel: page 5, parag. 70). Applicants also argue that the prior art does not teach the delivery of the promotional material via postal services (page 10 et seq.). The examiner respectfully disagrees as the delivery feature is taught by Postrel (e.g. page 4, parag. 40). Furthermore, applicant's arguments have been considered but are moot in view of the new ground(s) of rejection (see rejection above for details).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tai (US 4,908,761) discloses targeted advertising delivered via direct mail.

Barnett et al. (US 6,321,208) disclose targeted advertising with unique coupon.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nvt

Nvt,
February 16, 2007



**ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**